

109TH CONGRESS
2D SESSION

S. 3811

To require the payment of compensation to members of the Armed Forces and civilian employees of the United States who performed slave labor for Japanese industries during World War II, or the surviving spouses of such members, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 3, 2006

Mr. HATCH (for himself, Mr. BINGAMAN, and Mr. BIDEN) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To require the payment of compensation to members of the Armed Forces and civilian employees of the United States who performed slave labor for Japanese industries during World War II, or the surviving spouses of such members, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. PAYMENT OF COMPENSATION TO MEMBERS OF**
2 **THE ARMED FORCES AND CIVILIAN EMPLOY-**
3 **EES OF THE UNITED STATES CAPTURED BY**
4 **JAPAN AND USED AS SLAVE LABOR DURING**
5 **WORLD WAR II.**

6 (a) FINDINGS.—Congress makes the following find-
7 ings:

8 (1) During World War II, members of the
9 United States Armed Forces fought valiantly against
10 Japanese military forces in the Pacific. In par-
11 ticular, from December 1941 until May 1942,
12 United States military personnel fought coura-
13 geously against overwhelming Japanese military
14 forces on Wake Island, Guam, the Philippine Is-
15 lands, including the Bataan Peninsula and Cor-
16 regidor, and the Dutch East Indies, thereby pre-
17 venting Japan from accomplishing strategic objec-
18 tives necessary for achieving a decisive military vic-
19 tory in the Pacific during World War II.

20 (2) During initial military actions in the Phil-
21 ippines, United States troops were ordered to sur-
22 render on April 9, 1942, and were forced to march
23 65 miles to prison camps at Camp O'Donnell, Caba-
24 natuan, and Bilibid. More than 10,000 Americans
25 died during the march, known as the “Bataan Death

1 March”, and during subsequent imprisonment as a
2 result of starvation, disease, and executions.

3 (3) Beginning in January 1942, the Japanese
4 military began transporting United States prisoners
5 of war to Japan, Taiwan, Manchuria, and Korea to
6 perform slave labor to support Japanese industries.
7 Many of the unmarked merchant vessels in which
8 the prisoners were transported, called “Hell Ships”,
9 were attacked by American naval and air forces,
10 which, according to some estimates, resulted in more
11 than 3,600 American fatalities.

12 (4) Following the conclusion of World War II,
13 the United States Government agreed to pay com-
14 pensation to United States ex-prisoners of war
15 amounting to \$2.50 per day of imprisonment. This
16 compensation was to be paid from Japanese assets
17 frozen by the United States Government. However,
18 the compensation could never fully compensate those
19 ex-prisoners of war for the sacrifice they endured.
20 Neither the Government of Japan nor any Japanese
21 corporation admits any liability requiring payment
22 or compensation.

23 (5) Other Allied nations, including Canada, the
24 United Kingdom, and the Netherlands, have author-
25 ized payment of gratuities to their surviving veterans

1 who were captured by the Japanese during World
2 War II and required to perform slave labor.

3 (b) PURPOSE.—The purpose of this section is to rec-
4 ognize, by the provision of compensation, the heroic con-
5 tributions of the members of the Armed Forces and civil-
6 ian employees of the United States who were captured by
7 the Japanese military during World War II and denied
8 their basic human rights by being made to perform slave
9 labor by Japanese corporations during World War II.

10 (c) PAYMENT OF COMPENSATION REQUIRED.—

11 (1) IN GENERAL.—The Secretary of Defense
12 shall pay compensation to each living selected vet-
13 eran or civilian internee, or the surviving spouse of
14 a selected veteran or civilian internee, in the amount
15 of \$20,000.

16 (2) REBUTTABLE PRESUMPTION.—An applica-
17 tion for compensation submitted under this section
18 by or with respect to an individual seeking treatment
19 as a selected veteran or civilian internee under this
20 section is subject to a rebuttable presumption that
21 such individual is a selected veteran or civilian in-
22 ternee if the application on its face provides infor-
23 mation sufficient to establish such individual as a se-
24 lected veteran or civilian internee.

1 (d) RELATIONSHIP TO OTHER PAYMENTS.—Any
2 amount paid a person under this section for activity de-
3 scribed in subsection (f)(1)(D) is in addition to any other
4 amount paid such person for such activity under any other
5 provision of law.

6 (e) UNAVAILABILITY FOR PAYMENT OF ATTORNEY
7 FEES IN CLASS ACTION SUITS.—No funds authorized to
8 be appropriated for the payment of compensation under
9 this section, or paid under this section, may be utilized
10 for the payment of attorney fees incurred in any class ac-
11 tion law suit seeking the payment of compensation de-
12 scribed in subsection (c) or a similar payment for activity
13 described in subsection (f)(1)(D).

14 (f) DEFINITIONS.—In this section:

15 (1) SELECTED VETERAN OR CIVILIAN IN-
16 TERNEE.—The term “selected veteran or civilian in-
17 ternee” means any individual who—

18 (A) was a member of the Armed Forces, a
19 civilian employee of the United States, or an
20 employee of a contractor of the United States
21 during World War II;

22 (B) served in or with United States com-
23 bat forces during World War II;

1 (C) was captured and held as a prisoner of
2 war or prisoner by Japan in the course of such
3 service; and

4 (D) was required by one or more Japanese
5 corporations to perform slave labor during
6 World War II.

7 (2) SLAVE LABOR.—The term “slave labor”
8 means forced servitude under conditions of subjugation.
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